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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 09/343,509 | 06/30/1999 | YOSHIAKI TAKABATAKE | 0039-7268-2R | 8009 |
| 22850 | 7590 | 08/23/2004 | | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER FERRIS, DERRICK W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2663 | |
| | | | DATE MAILED: 08/23/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/343,509

Applicant(s)

TAKABATAKE ET AL.

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>17,18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/04 has been entered.

Response to Amendment

2. **Claims 1-24** as amended are still in consideration for this application. Applicant has amended claims 1, 3, 8, 16, 19, and 22.

3. Examiner **withdraws** the obviousness rejection to *Saito et al.* for Office action filed 11/14/03. Examiner thanks applicant for clarifying constituent elements. Examiner would agree that e.g., figure 7 of *Saito* does not clearly show that IP terminal 206 and IP terminal 210 are on the same network and thus constituents. In fact, both of these terminals are on separate networks have different network addresses (e.g., 192.168.2.x and 192.168.1.x). As such, the examiner has replaced the rejection with a new rejection based on applicant's claim amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant

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for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 5,959,536 to *Srivastava et al.* ("*Srivastava*") (cited by applicant as WO 98/16886 on IDS filed 10/30/03).

As to **claim 1**, see e.g., figure 1 where a first interface unit is part of control means 114 connecting a class C device such as device 106 (i.e., one communication node), a second interface unit is the interface of control means 114 connecting a class B device such as device 104 (i.e., another communication node) and the processing unit is the internal structure of control means 114 shown e.g., in figure 2. In particular, the class C device 106 (i.e., said one communication node) is recognized as a part of the communication node on the second network by the class B device 104 (i.e., said another communication node) since the control means 114 runs the class C device locally via a device abstraction, see e.g., column 5, lines 23-52. As such, the class D device or control means can communicate with the class B device such that that class D device will disclose an own configuration information regarding what its constituent elements are to another communication node on the second network (i.e., a class B device) since the communication is bi-directional. Examiner notes further interpretations where a first interface unit could be class D device 114 and a second interface unit could be class D device 116. Examiner notes an even further interpretation where a class C device could be a one communication node and another class C device could be another communication node.

As to **claim 2**, the class D device supports AV CTS/P1394 thus supporting sub constituent elements. In addition, see e.g., sub-budle at column 13, lines 25-30.

As to **claim 3**, see figure 2 where the event manager 210 and registry 208 keep track of the protocols and where the Messaging System hides the difference between the protocols, e.g., see column 11, lines 4-18.

As to **claim 4**, an e.g., of reserving a network resource could be using the “named route”, see e.g., column 12, lines 5-47. Examiner also notes non-local signal routing also reserves network resources, see e.g., column 15, lines 1-13.

As to **claim 5**, the processing unit or control means/ class D device 114 provides no configuration information using the abstract device, see e.g., figure 2.

As to **claim 6**, the processing unit or control means/ class D device 114 also communicates with the class C device (e.g., class C device 106) (i.e., the higher layer protocols communicate back to the class C device).

As to **claim 7**, the processing unit or control means/ class D device 114 communicates with both device locally and thus brokers communication between the two devices on different networks.

As to **claim 8**, see similar rejection for claim 1.

As to **claim 9**, see similar rejection for claim 2.

As to **claim 10**, see e.g., figure 2 for the further structure of the processing unit and in particular the abstract device 202, event manager 210 and registry 208.

As to **claim 11**, see the rejection for claim 3.

As to **claim 12**, see the rejection for claim 4.

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As to **claim 13**, see the rejection for claim 5.

As to **claim 14**, see the rejection for claim 6.

As to **claim 15**, see the rejection for claim 7.

As to **claim 16**, see the rejection for claim 1.

As to **claim 17**, see the rejection for claim 3.

As to **claim 18**, see the rejection for claim 4.

As to **claim 19**, see similar rejection for claim 1 where *Srivastava* further teaches AV CTS / P1394, see e.g., column 6, lines 15-34; column 7, lines 1-8; and column 11, lines 4-51.

As to **claims 20 and 21**, see similar rejection for claim 10.

As to **claim 22**, see the rejection for claim 19.

As to **claims 23 and 24**, see the rejection for claims 20 and 21 respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DWF

Derrick W. Ferris
Examiner
Art Unit 2663



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8/20/07